

REMARKS

Claims 2-5 are pending and under examination. The specification has been amended to demarcate trademarks and correct informalities. Accordingly, these amendments to the specification do not raise an issue of new matter and entry thereof is respectfully requested. Entry of the proposed amendments is respectfully submitted to be proper because the amendments are believed to place the application in condition for allowance.

Objection to the Specification

The objection to the specification is respectfully traversed. It is noted that the amendment to the specification submitted with the response filed May 12, 2008, was not entered. Applicants apologize for the oversight of additional trademarks not amended in the previous response. The specification has been reviewed, and it is believed that the trademarks in the specification have been properly demarcated, either previously or in the present amendment. The present amendment includes the amendments to the specification filed in the response on May 12, 2008. Accordingly, Applicants respectfully request that the objection to the specification be withdrawn.

Rejection Under 35 U.S.C. § 102

The rejection of claims 2-5 under 35 U.S.C. § 102(a) as allegedly anticipated by Takayama et al., GenBank Accession No. AF022224, is respectfully traversed. Applicants respectfully submit that the claimed nucleic acid molecules are novel over Takayama et al.

In the previous response filed May 12, 2008, Applicants submitted a Rule 132 Declaration signed by the inventors attesting that the co-authors of the Takayama et al. reference worked under the inventors' direction and supervision. In the Office Action, it is asserted that the language of the previously submitted Rule 132 Declaration was insufficient to overcome the rejection. Applicants appreciate Examiner Rawlings telephone calls and guidance to Applicants' representative for modified language for the Rule 132 Declaration. Submitted herewith as is a Rule 132 Declaration signed by the inventors attesting that the Takayama et al. reference describes the inventors' own work, that the co-authors of the Takayama et al. reference worked under the inventors' direction and supervision, and that the inventors, Dr. John C. Reed and Dr.

Shinichi Takayama are the only inventors of the claimed invention and any disclosure of the claimed invention in Takayama et al. Therefore, Applicants respectfully submit that the Takayama et al. reference is not applicable as prior art and that this rejection has been rendered moot. Accordingly, Applicants respectfully request that this rejection be withdrawn.

In light of the amendments and remarks herein, Applicants submit that the claims are now in condition for allowance and respectfully request a notice to this effect. The Examiner is invited to call the undersigned agent if there are any questions.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 502624 and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP

/Deborah L. Cadena/

Deborah L. Cadena
Registration No. 44,048

11682 El Camino Real, Suite 400
San Diego, CA 92130
Phone: 858.720.3300 DLC:llf
Facsimile: 858.720.7800
Date: July 6, 2009

**Please recognize our Customer No. 41552
as our correspondence address.**